

ABX-PF1 DIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Ilia I. Ouspenski

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Applicants : Douglas Charles Hanson et al.

Application No. : 10/776,649

Confirmation No. : 5045

Filed : February 10, 2004

For : HUMAN MONOCLONAL ANTIBODIES TO CTLA-4

New York, New York

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER BY ASSIGNEE

Amgen Fremont Inc. (formerly Abgenix, Inc.) is a joint owner of 100% interest in the above-captioned application, in United States patent 6,682,736 (hereinafter the '736 patent), issued January 27, 2004 and in allowed United States patent application 10/612,497, filed July 1, 2003, (hereinafter the '497 application) for which the Issue Fee was paid on November 2, 2005. The undersigned, on behalf of Amgen Fremont Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term of United States patent 6,682,736, or to any patent issuing on the '497 application, including any patent term extensions, restorations or adjustments for said

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patent available under all applicable statutes including 35 U.S.C. §§ 154 through 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of United States patent 6,682,736, or prior to the grant of any patent issuing from the '497 application. The undersigned, on behalf of Amgen Fremont Inc., hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to it and to the above-identified granted patent and to the '497 application shall be commonly owned. This agreement runs with any patent granted on the above-captioned application, and is binding upon the grantee, its successors or assigns.*

In making the above disclaimer, the undersigned, on behalf of Amgen Fremont Inc., does not disclaim the terminal part of the full statutory term of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '736 patent, or the full statutory term as so defined of the patent issuing on the '497 application as shortened by any terminal disclaimer filed prior to the grant of any such patent from the '497 application, in the event that the '736 patent or the patent granted on the '497 application expires for failure to pay a maintenance fee, is held unenforceable and/or invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 35 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or its

* It is applicants' and assignee's intention that if any change in the patent statutes changes the expiration date of the '736 patent or the patent to be issued on the '497 application, or if said patent or to be issued patent is hereafter awarded patent term adjustment under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of the parent patent.

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term is in any manner shortened prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned states that she is an attorney of record in the above-identified patent application and is authorized to sign the document on behalf of Amgen Fremont Inc., that the evidentiary documents relating to title of the above application in Amgen Fremont Inc. have been reviewed, and certifies that, to the best of the undersigned's and Amgen Fremont Inc.'s knowledge and belief, title to the above application is in Amgen Fremont Inc. by virtue of assignment(s) to Abgenix, Inc. recorded in the United States Patent and Trademark Office on March 18, 2002, in United States patent application 09/472,087 (now issued as United States patent 6,682,736) at Reel 012709, Frame 0559 and Reel 012709, Frame 0570 and of the enclosed certified copy of the Certificate of Merger by which Abgenix, Inc. was renamed Amgen Fremont Inc.

This Terminal Disclaimer is accompanied by a fee transmittal form authorizing payment of the appropriate fee under 37 C.F.R. § 1.20(d).

Respectfully submitted,

Date: May 9, 2006


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